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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, TOAN D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,677	<b>Applicant(s)</b> LITWIN, LOUIS ROBERT	
	<b>Examiner</b> TOAN D. NGUYEN	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/9/06, 5/21/08, 7/23/08</u> .                                | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 14-20 have been renumbered 12-18.

### ***Claim Objections***

2. Claims 1-5, 7-11, 15, 17 and 18 are objected to because of the following informalities:

Claim 1, line 2, it is suggested to delete "(31)".

Claim 1, line 4, it is suggested to delete "(37)".

Claim 2, line 2, it is suggested to delete "(33)".

Claim 3, line 2, it is suggested to delete "(35)".

Claim 4, line 2, it is suggested to delete "(102)".

Claim 5, line 1, it is suggested to change "a location of a wireless local area network WLAN" to --- said location of said wireless local area network WLAN ---.

Claim 7, line 2, it is suggested to delete "(206)".

Claim 7, line 4, it is suggested to delete "(210)".

Claim 7, line 5, it is suggested to delete "(104)".

Claim 7, line 7, it is suggested to delete "(104)".

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Claim 8, line 2, it is suggested to delete "(212)".

Claim 8, line 2, it is suggested to delete "(214)".

Claim 9, line 1, it is suggested to change "wherein controller (210)" to --- "wherein said controller ---.

Claim 10, line 1, it is suggested to delete "(210)".

Claim 11, line 1, it is suggested to change "transmitter 206" to --- transceiver ---.

Claim 11, line 2, it is suggested to delete "(210)".

Claim 15, line 2, it is suggested to delete "(102)".

Claim 15, line 3, it is suggested to delete "(106)".

Claim 15, line 4, it is suggested to delete "(110)".

Claim 17, line 2, it is suggested to change "WLLAN" to --- WLAN ---.

Claim 18, line 2, it is suggested to delete "(102)".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (US 2004/0205158).

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For claim 1, Hsu discloses wireless local access network system detection and selection, comprising:

transmitting (31) a request (figures 2A and 2B) to a wireless service provider of a wireless network (figure 3A, reference BS) for a location of a wireless local area network (WLAN)(page 3, paragraph [0046]); and

receiving (37) from said wireless service provider (figure 3A, reference BS) said location of said wireless local area network (WLAN) (page 3, paragraph [0046]).

For claim 2, Hsu discloses further comprising after said step of transmitting said wireless service provider determining (33) a wireless service area from which said transmitting originated (figure 5B, reference step 254, page 4, paragraph [0054], lines 4-5).

For claim 3, Hsu discloses further comprising after said step of determining said wireless service provider obtaining (35) said location of said wireless local area network WLAN based on said wireless service area (page 3, paragraph [0046], lines 6-8).

For claim 4, Hsu discloses wherein said wireless network is a cellular telephone network (102) (page 2, paragraph [0027], line 8).

For claim 5, Hsu discloses wherein said request for a location of a wireless local area network WLAN comprises requesting a location of a wireless local area network WLAN relative to a specific location (page 3, paragraph [0046], lines 6-8).

For claim 6, Hsu discloses wherein said location of said wireless local area

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network WLAN comprises one of a street address, a map location, longitude and latitude coordinates, and global positioning coordinates (page 4, paragraph [0052]).

For claim 15, Hsu discloses wireless local access network system detection and selection, comprising:

a wireless network (102) for providing wireless communication services over a wireless service area (106)(figure 2A, page 3, paragraph [0046]), and

a mobile device (110) for sending a request from said wireless service area across said wireless network for a location of a wireless local area network WLAN (figure 2A, page 3, paragraph [0046]);

For claim 16, Hsu discloses wherein said location of said wireless local area network WLAN is based on a location of said wireless service area.\ (page 3, paragraph [0046], lines 6-8).

For claim 17, Hsu discloses wherein said location of said WLAN comprises one of a street address, map coordinates, latitude and longitude, and global positioning coordinates (page 4, paragraph [0052]).

For claim 18, Hsu discloses wherein said wireless network (102) comprises a cellular telephone network (page 2, paragraph [0027], line 8).

For claim 19, Hsu discloses wherein said mobile device comprises a cellular telephone (page 6, paragraph [0079]).

For claim 20, Hsu discloses wherein said mobile device comprises processing for receiving said location of said wireless local area network WLAN (page 3, paragraph [0046]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (US 2004/0205158) in view of Stenton et al. (US 2004/0097260).

For claims 7-9 and 11, Hsu discloses wireless local access network system detection and selection, comprising:

transmitting and receiving communication over a wireless network (page 3, paragraph [0046]); and

processing a request over said wireless network for a location of a wireless local area network WLAN (104) and processing receiving over said wireless network said location of said wireless local area network WLAN (104) (page 3, paragraph [0046]).

However, Hsu does not expressly disclose a wireless transceiver (206) and a controller (210). In an analogous art, Stenton et al. disclose a wireless transceiver (206)(page 2, paragraph [0023], line 15) and a controller (210)(page 2, paragraph [0012], lines 5-6).

Stenton et al. disclose further comprising wireless baseband circuitry (212) and WLAN baseband circuitry (214)(page 2, paragraph 0023], lines 1-5 as set forth in claim 8); wherein controller (210) processes said request for said location of said wireless local area network WLAN based on a user provided location (page 2, paragraph 0012],

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lines 1-7 as set forth in claim 9); wherein said wireless transmitter (206) and said controller (210) are within a cellular communication device (page 2, paragraph [0023], line 15 as set forth in claim 11).

One skilled in the art would have recognized the wireless transceiver (206) and the controller (210), and would have applied Stenton et al.'s wireless transceiver and controller in Hsu's MS. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Stenton et al.'s communication infrastructure in Hsu's wireless local access network system detection and selection with the motivation being to transmit and receive information on a high bandwidth communication channel (page 2, paragraph [0023], lines 15-16).

For claim 10, Hsu discloses wherein said controller (210) processes said receiving of said location of said wireless local area network WLAN by displaying said location as one of a street address, map coordinates, longitude and latitude, and global positioning coordinates (page 4, paragraph [0052]).

For claim 14, Hsu discloses wherein said wireless network is a cellular telephone network (102) (page 2, paragraph [0027], line 8).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./  
Examiner, Art Unit 2416

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2416